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IAB # SH2342620

OFFICER INVOLVED SHOOTING REPORT

INVESTIGATIVE SUMMARY

INVOLVED DEPUTY INTERVIEWS
Deputy Mahoney
Deputy Formica
Deputy Fleck
Sergeant [redacted]

WITNESS INTERVIEWS
Deputy Clark
Deputy Sword
Deputy Hitami
Deputy Polissky
Mrs. [redacted]
Ms. [redacted]

EXHIBITS

A - Homicide Investigation Book, File# 013-13732-0675-013.

B - District Attorney Letter of Opinion, Dated 10/08/14.

C - Two (2) cell phone videos of incident.

D - Transcriptions of radio frequencies utilized during the incident.

E - CD containing autopsy photos.

MISCELLANEOUS DOCUMENTS
- Witness Admonition Forms
- Receipt for Documents

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 10-06-13	Bureau/Station/Facility: Santa Clarita Valley Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 013-13732-0675-013	Date: 10-06-13 Time: 1747 hours
City or Station: Castaic	Nature of Incident: Deputy Mahoney, Deputy Formica & Sgt. [redacted] shot Suspect Graham after Graham pointed a rifle at them.
Location: [redacted] Cloverleaf Place, Castaic	

Location Type (check one or more):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other:

Lighting (check only one):
- ☐ Darkness
- ☐ Daylight
- ☐ Other
- ☑ Street Lights

Weather (circle only one):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

Incident Type (check one or more):
- ☐ Accidental
- ☑ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (check only one):
- ☐ Arrest Warrant
- ☑ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (check only one):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
13	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Hatami	Roxanne		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Sword	Kyle	C.	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Polissky	Yury		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	
Street Addr[redacted]		
[redacted]	[redacted]	
Street Add[redacted]		
[redacted]	[redacted]	
Street Add[redacted]		

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	[redacted]	[redacted]		☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☑ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Soehnel	Sammy	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Brysk	Tom	

PSTD Use Only

SH # 2342620



Officer Involved Shooting

N: 013-13732-0675-03

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-06-13	2055 hrs.		

Employee #	Last Name	First Name	M.I.
[redacted]	Denison	Trent	
[redacted]	Fleischmann	Joseph	
[redacted]	Mauldin	Donnie	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E1,2,3	FR	US	30			NN	
E1	S	FH	BR	9	Y	Y	DH	CH
E2	S	FR	CO	23	Y	Y	DH	CH
E3	S	FH	BR	9	Y	Y	DH	CH

Officer Involved Shooting
Involved Employee Information

URN: 013-13732-0675-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Mahoney	First Name: Robert	M.I.
Sex: M Race: W	Rank: DSG	Unit Assignment: SCV	Work Assignment (Unit #, Module, etc.): 66
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'10"	Weight: 180		
Range Qualification Date: [redacted]		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 8	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Formica	First Name: William	M.I.
Sex: M Race: W	Rank: DSG	Unit Assignment: SCV	Work Assignment (Unit #, Module, etc.): 64A
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☑
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 6'01"	Weight: 225		
Range Qualification Date: [redacted]		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Colt	Caliber: .223 # Shots: 2	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Sex: F Race: H	Rank: Sergeant	Unit Assignment: SCV	Work Assignment (Unit #, Module, etc.): 60S
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☑
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'03"	Weight: 135		
Range Qualification Date: [redacted]		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 013-13732-0675-013

Suspect Information

S 1

Last Name: Graham		First Name: Bruce	M.I. D.
AKA Last Name		First Name	M.I.
Sex: M Race: W	Street Addre[redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Hom[redacted]	Social Security #:	Driver's Licen[redacted]
Age: 53 D.O.B. 10-11-59	Height: 5'10" Weight: 179	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☑	Coroner Case # 2013-06973	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☐	Mental Illness[redacted]	Criminal History?[redacted]
Vehicle Make N/A		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Clark	Joshua	J.	LASD SCV Deputy Emp# [redacted]		661-255-1121	
Tisdball	Justin	D.	LASD SCV Deputy Emp# [redacted]		661-255-1121	
Wilson	Jonathon	R.	LASD SCV Deputy Emp# [redacted]		661-255-1121	
Fleck	Kevin	C	LASD SCV Deputy Emp[redacted]		661-255-1121	

Investigative Summary

Incident: **Deputy Involved Hit Shooting - Santa Clarita Valley Station**
LASD Report: **013-13732-0675-013**
IAB File: **SH2342620**

Opening Statement

On October 6, 2013 , Internal Affairs Bureau (IAB) investigators responded to an incident command post, erected by Santa Clarita Valley Station personnel. Sergeant Trent Denison, Sergeant Joe Fleischmann and Lieutenant Donnie Mauldin were briefed regarding the circumstances of a Deputy Involved Shooting. Sergeant Denison was assigned the responsibility for the administrative review of the incident.

IAB Sergeant Denison checked to see that the watch commander took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. The watch commander made sure the involved and witness personnel did not collectively consult with their attorney or representative and IAB Sergeant Denison confirmed the involved and witness personnel were gathered in the company of a supervisor until they had provided a statement to the assigned investigators.

Synopsis

On October 6, 2013, Santa Clarita Valley Station received a 911 call from the location regarding a possible suicide attempt / man armed with a gun. The caller, [redacted], who was the [redacted] of the suspect, stated [redacted], Bruce Graham, was suicidal and armed with a rifle. She also said [redacted] was fighting with Suspect Graham for control of the rifle inside the garage. While deputies were coordinating their response to the home, the call was updated with information Suspect Graham was cutting himself with a knife, and holding [redacted] hostage inside the garage.

Numerous deputies and Field Sergeant [redacted] coordinated a tactical response to the location and staged a block away. A plan was devised to have personnel don tactical vests and helmets. Included in the planning was the designation of personnel with less lethal weapons, including a stun bag shotgun and Taser, as well as designated deputies for lethal force with side arms, and two deputies with AR-15 rifles. An arrest team was also put in place. A request for the Mental Health Team and Special Enforcement Bureau was also made, and the station requested paramedics to respond.

While at the staging area, personnel heard a woman screaming from the location and believed the woman was being attacked. The team of deputies, led by Sergeant [redacted] made a tactical approach utilizing the sergeant's Chevrolet Tahoe as cover. Once on scene, contact with [redacted] and [redacted] was made and both women were secured. Both women said Suspect Graham was armed with a loaded rifle, and had cut his own throat and wrist with a knife.

Within minutes of contacting [redacted] and [redacted], Suspect Graham appeared at the open garage door with a rifle and ignored numerous commands to drop his weapon. Suspect Graham raised the rifle and took aim at the deputies in the street and was shot multiple times. He was treated at the scene and later died while at the hospital. No deputies were injured.

This incident was investigated and documented by Homicide detectives in the Homicide Investigation Book, **Exhibit A**.

The investigation was reviewed by the District Attorney's office, which authored a Letter of Opinion, **Exhibit B**. The letter stated Department personnel acted within the law and no further legal action would be taken.

Homicide detectives found a neighbor had recorded two portions of this incident on his cell phone camera from across the street. A copy of the video recordings is included in **Exhibit C**.

<u>Involved Personnel</u>

Sergeant [redacted]

<u>Work History</u>	
Date of Employment:	10/90
Date Assigned to Patrol:	[redacted]
Date Assigned to Station:	[redacted]
Prior Shooting Incident(s):	[redacted]

Deputy **William Formica** [redacted]

<u>Work History</u>	
Date of Employment:	01/96
Date Assigned to Patrol:	[redacted]
Date Assigned to Station:	[redacted]
Prior Shooting Incidents(s):	[redacted]

Deputy **Robert Mahoney** [redacted]

Work History
Date of Employment: 12/99
Date Assigned to Patrol: [redacted]
Date Assigned to Station: [redacted]
Prior Shooting Incidents(s): [redacted]



Suspect

Graham, Bruce Douglas MW/ 10-11-59, 5' 09", 195lbs. [redacted]
Suspect Graham [redacted]

Witnesses
Witnesses were located and identified by Homicide detectives during their investigation. Witness contacts were documented in the Homicide Investigation Book, Exhibit A, starting on page 44.

Injuries
Suspect Graham died as a result of gunshot wounds.
No Department personnel were injured during this incident.

Physical Evidence
All physical evidence was located and collected by Homicide detectives and Scientific Services Bureau personnel and documented in the Homicide Investigation Book, Exhibit A.

Investigator Observations
IAB investigators viewed the scene from a distance in order to preserve the crime scene for Homicide detectives. Investigators saw a Department marked patrol Tahoe parked in the street in front of the location. There was broken glass on the ground near the front passenger door of the Tahoe. Investigators noticed the double car garage door at the location was open and the single car garage door was closed. There were numerous evidence markers on the driveway and in the street around the Tahoe.

Weapons used by Department personnel
- Sergeant [redacted] fired three rounds of Department issued 9mm ammunition from her Department issued Beretta pistol.
- Deputy Formica fired two rounds of Department issued .223 ammunition from his Department issued Colt AR-15 rifle.
- Deputy Mahoney fired eight rounds of Department issued 9mm ammunition from his Department issued Beretta pistol.
- Deputy Fleck fired one stun bag round from his Department issued Stun Bag Shotgun.

Weapon used by Suspect Graham
Suspect Graham was armed with a "Universal" brand M1-carbine, .30 caliber rifle, with a mounted flash suppressor and "Weaver" scope.

IAB Note: No evidence was found that indicated Suspect Graham fired.

Property Damage
- Suspect Graham's Mercedes Benz sedan right rear window was shattered.
- Suspect Graham's Toyota Highlander had multiple bullet impact damage to the rear hatch and right taillight.
- Sergeant [redacted] Department Tahoe had bullet impacts on the front grill and passenger headlight, and the right front passenger door window was shattered.
- Stereo equipment located in a cardboard box inside Suspect Graham's garage had bullet impact damage.
- A plastic garbage can inside Suspect Graham's garage had a bullet impact.
- Two bullet impacts to the interior garage wall near the rear door to the house.

Criminal Investigator
None. Suspect deceased.

Lighting and Weather Conditions
This incident took place during daylight hours. The weather was warm and dry.

Involved personnel interviews
IAB investigators reviewed Homicide's summary of their interviews of witnesses and the involved personnel and found their summaries were an accurate account of what each person said. Homicide's interviews were conducted in the presence of IAB investigators. IAB investigators conducted separate interviews of the involved and witness personnel. For more information and exact wording, see the attached verbatim interview transcriptions of both the Homicide and IAB interviews. Following is a summary of what each person told IAB and Homicide investigators.

Sergeant [redacted] told IAB investigators she was the assigned field sergeant the day of the shooting. She heard the call of a suicidal person armed with a rifle and fighting with [redacted] in the garage, and responded with fellow deputies to a staging area near the location.

Sergeant [redacted] met with a team of deputies, and together formed a tactical plan for approach and the handling of the call. She ensured the team donned helmets and tactical vests and individual deputies were designated with special weapons, including the AR-15 rifle, the stun bag shotgun, a Taser for less than lethal options, as well as deadly force options with side arms.

Sergeant [redacted] designated an arrest team and she called for additional resources including a Special Enforcement Team (SEB), because the call indicated a possible hostage situation and/or barricaded suspect.

Sergeant [redacted] said she wanted two deputies to have the AR-15 rifles so there would be two points of advantage/angles to face a suicidal person they knew was armed with a rifle, according to the call for service. She said the deployment of the AR-15 was essential so they could have a couple of angles to deploy in case there was a confrontation. There would be at least two people with accurate weapons to overpower someone with a rifle. It would also allow deputies to utilize firing positions because of the lack of cover available on the street, and she was confident in the abilities of the deputies who deployed the rifles. She added she was aware of the points of concern when deploying the rifle in a urban environment, included how far the rifle round can travel, what it can penetrate and the accuracy. She said she was also aware the backdrop would most likely be the garage of the home since the call stated Suspect Graham was fighting with [redacted] and was armed with a rifle in the garage. Sergeant [redacted] said with all the concerns she had when responding and forming a tactical plan, she believed the deployment of the AR-15 was mandatory and noted its use during this shooting proved most effective to neutralize Suspect Graham when he walked out of his garage pointing his rifle at the deputies and her.

Sergeant [redacted] said once the team formed, she wanted the team to approach the location while walking along side of her Tahoe. She knew her Tahoe had tinted windows to conceal the deputies and was of the size to assist in providing the team with cover during the approach, should Suspect Graham attack them with his rifle from high ground as they responded.

> **IAB Note: Suspect Graham's home was located on a steep incline and stated on a terraced lot. There were no trees and few parked vehicles on the street to use for cover at the time of this incident.**

Sergeant [redacted] said the team was ready to respond from the staging area when they heard a woman screaming. She believed the screams were a result of Suspect Graham stabbing one of the woman at the location. This was cause for the team to respond with urgency in order to prevent further harm to a victim. She added, even though the team responded quicker, the tactical response plan of utilizing the Tahoe and approach was not altered. She also took steps to confirm with the station desk, the exact location of the call so no mistake would be made by going to the wrong house.

Sergeant [redacted] said she parked her Tahoe in front of the location in order to provide cover for the team. Also, because of the steep incline of the street, and the terraced lot, they would have been at a disadvantage parking anywhere else. The screaming was very intense from inside the garage at the location.

Sergeant [redacted] observed the double car garage door was already open, however, the single garage door was closed and prevented them from being able to see all of the interior of the garage or where Suspect Graham was located. Because of this, she had Deputy Clark with his AR-15 rifle, move with her to a location of cover behind a parked truck on the street near her Tahoe, which would allow them a better angle of view into the garage. Also, to avoid a situation where all the deputies would be pinned down in one place if a confrontation occurred.

Sergeant [redacted] said Deputy Mahoney utilized the Public Address System (PA) to identify themselves, and call Suspect Graham out of the garage. Numerous commands were given for the occupants to exit the garage and eventually, Mrs. [redacted] [redacted] exited. She screamed hysterically and ran about the driveway. She eventually was taken by a deputy down the street to keep her away from the home and situation. Next came [redacted] who also screamed hysterically from the garage. [redacted] eventually came out to the deputies and Sergeant [redacted] believed Deputy Sword took her down the street too.

IAB Note: It was only when Sergeant [redacted] viewed the video of the incident, Exhibit C, that she realized [redacted] had remained near the Tahoe at the time of the shooting.

Sergeant [redacted] believed the use of the PA system was no longer effective because Suspect Graham did not follow orders to surrender. She did not want the PA to make Suspect Graham more upset and she wanted the deputies near the Tahoe to spread out more instead of grouping together, should Suspect Graham come out with his rifle. Before going back to her Tahoe, she gave Deputy Clark instruction to utilize his AR-15 should Suspect Graham present a deadly threat. Once at the Tahoe, she heard deputies yell for Suspect Graham to drop his rifle. She positioned herself behind the engine block for cover and clearly saw Suspect Graham midway inside his garage, holding a rifle with one hand with the muzzle pointed over his shoulder. He walked toward the rear of his garage then turned and walked toward the deputies and her. Once he reached the threshold of the garage, he raised the rifle up to his shoulder with both hands and took aim at her and the deputies. Sergeant [redacted] said she had no choice but to defend herself and her deputies, and fired her Beretta three times in rapid succession at Suspect Graham. She heard other deputies shoot at the same time. She saw Suspect Graham collapse on the driveway and the rifle fell out of his hands. She told the deputies the suspect was down and they should approach to ensure Suspect Graham did not collect himself and pose another threat. They made a tactical approach, with cover deputies, and an arrest team. She moved Graham's rifle farther away from him while a deputy searched and cuffed him. Meanwhile, another team of deputies cleared the house and rescued [redacted] infant child from the home.

Sergeant [redacted] said Suspect Graham cussed at them and called them names before paramedics arrived and rendered aid.

Sergeant [redacted] said the overall operation and control on the part of the team went as planned and everyone reacted as expected to the quickly evolving situation and deadly threat posed by Suspect Graham.

During Sergeant [redacted] IAB interview, a crime scene diagram was used for clarification. To ease the reader's understanding, the diagram is attached at the end of Sergeant [redacted] IAB interview transcription.

Deputy **Robert Mahoney** told IAB investigators he responded with [redacted], Deputy Kevin Fleck, to the call of a suicidal man armed with a rifle, and fighting [redacted] in the garage. He drove to the staging area and assisted the team in planning a tactical approach and handle of the incident.

Deputy Mahoney said he directed Deputy Fleck to deploy the stun bag shotgun as a less lethal weapon and to utilize it, should Suspect Graham present a threat. While at the staging area, they planned to use Sergeant [redacted] Tahoe as cover and concealment while approaching the location. He said the communication was good among the team members and there were several updates regarding the situation at the location, which were broadcast via the radio. Deputy Mahoney said the team realized an urgency to respond quickly because a woman was heard screaming in the garage. They used the Tahoe as planned and positioned themselves on the driver side for cover. He used the Tahoe's PA system to identify themselves as the Sheriff's Department. He told Suspect Graham to surrender and not to hurt himself, also, that they were there to help him and not hurt him. He said all the team members were behind cover at the Tahoe, and a parked car, and no one was ahead of the line, which would have caused a crossfire situation.

Deputy Mahoney said [redacted] came out from the open double car garage door, screaming hysterically and running about in the driveway. A deputy was eventually able to control her and took her down the street, away from the incident. [redacted] came out of the garage and appeared to have blood on her arms, which he believed may have been from Suspect Graham having cut himself. She came to the Tahoe and gave Suspect Graham's first name, so he (Mahoney) used it to call Suspect Graham out of the garage. He added, [redacted] told him Suspect Graham had a loaded rifle. He said multiple commands were given for Suspect Graham to surrender. He saw Suspect Graham walk out from the garage area and into view. Suspect Graham held his rifle in his right hand with the muzzle pointed downward, as he walked out toward the street. He watched as Suspect Graham brought the muzzle of the rifle upward with the stock of the gun in his shoulder and point the rifle directly at him. Deputy Mahoney described Suspect Graham holding the rifle in a position of taking a sight picture aimed at the deputies.

He said his view was unobstructed as he looked through the interior of the Tahoe at Suspect Graham. Despite multiple commands to drop his weapon, once Suspect Graham took a sight picture of them, Mahoney said he had no choice but to protect himself and others. He had no doubt Suspect Graham intended to shoot him and/or the others, so he fired eight rounds in succession from his Beretta. He aimed for center mass and saw Suspect Graham collapse to the ground in the driveway.

Deputy Mahoney said he did not realize the passenger door window of the Tahoe was up the entire time, and fired his gun through the window, causing it to shatter. He, along with several others, tactically approached Suspect Graham and secured the scene. He then told several deputies they needed to clear the inside of the home and, if they had fired, they should complete a tactical reload, as he did, prior to entering the home. They cleared the interior of the home and rescued [redacted] infant child. When they went back outside, they noticed Suspect Graham was being treated by paramedics.

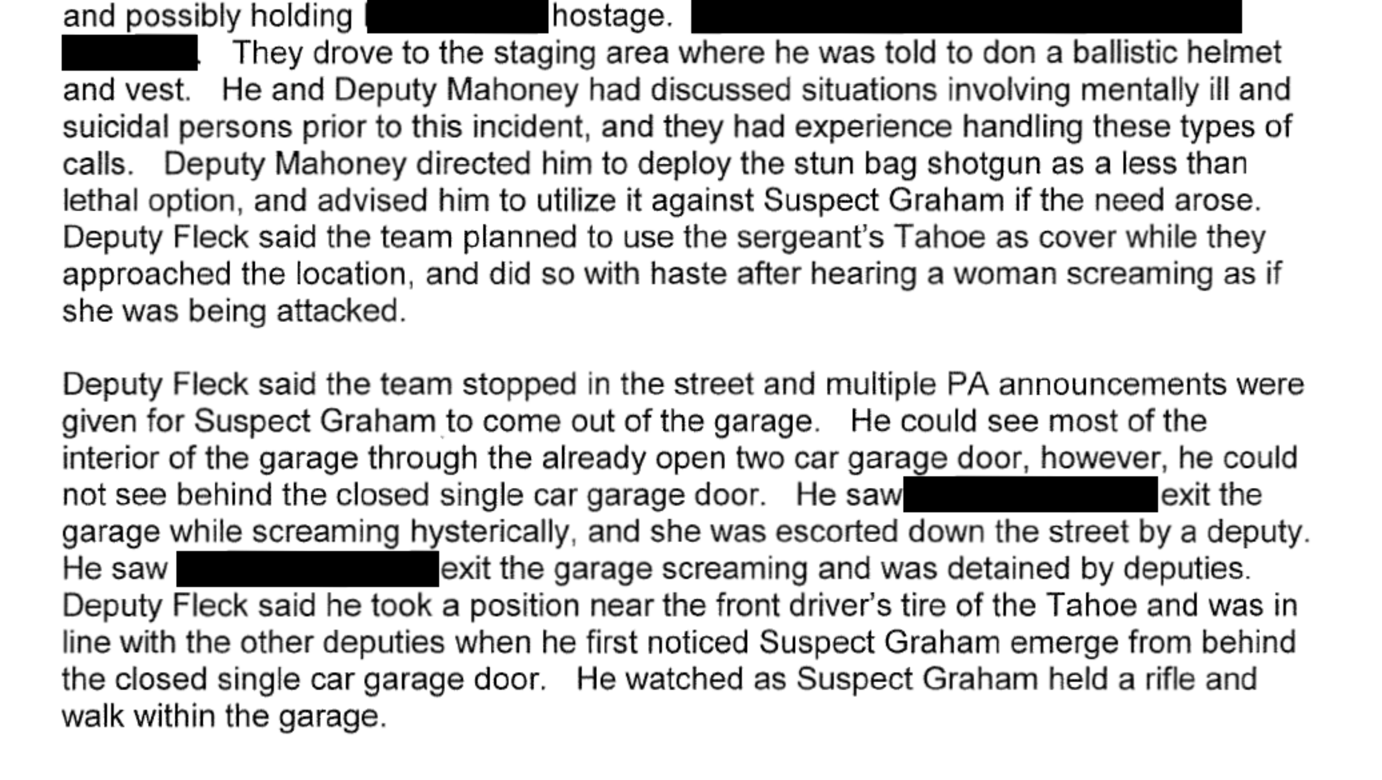
During Deputy Mahoney's IAB interview, a crime scene diagram was used for clarification. To ease the reader's understanding, the diagram is attached at the end of Deputy Mahoney's IAB interview transcription.

Deputy **William Formica** told IAB investigators, he went to the staging area in response to a suicidal person, armed with a rifle call. He donned a ballistic vest and let the team know he would deploy the AR-15 rifle. He also broadcast on the radio he was deploying the AR-15. He said the team formed a tactical plan of approach to the location, and while doing so, he heard a woman screaming as if she was being attacked. He told Sergeant [redacted] they needed to respond as soon as possible, and it was decided to use the sergeant's Tahoe as cover and concealment for the approach. Once at the location, he took a position near the driver's side of the Tahoe's engine block, which gave him a clear sight picture through the garage's open double door. Multiple commands were given for the suspect to surrender and for the women to come out. He said [redacted] came out of the garage and was screaming hysterically. She was taken down the street by a deputy. Afterward, [redacted] came out of the garage and was detained by deputies. He said everyone was given information Suspect Graham was armed with a rifle, so he kept watch on the garage. He saw Suspect Graham emerge from the portion of the garage that was concealed by the closed single car garage door. Suspect Graham walked toward the center of the garage while holding a rifle in his right hand. Suspect Graham walked toward the back of the garage, away from them, then turned and walked out toward all the deputies.

Deputy Formica said he yelled numerous commands to Suspect Graham to drop his rifle. Instead, Suspect Graham walked directly toward them, while raising his rifle to his shoulder in preparation to shoot them. He said he had no choice but to protect himself and the others, so he fire two rounds in succession from his AR-15 rifle. He used the sighting system on the rifle and pointed at center mass on Suspect Graham. He knew others had also fired their weapons and all stopped when Suspect Graham collapsed to the ground. He approached Graham, with the team, and covered them while Suspect Graham was handcuffed and the home was cleared by other deputies.

Deputy Formica said the Department trained him in the use of the AR-15 and he was very comfortable with it. He believed the AR-15 was the best choice of tools for him to use because of its accuracy and firepower when facing a suspect who also is armed with a rifle. He was aware of concerns using a rifle in an urban setting, such as velocity and penetration capabilities of the rifle round, prior to deploying the AR-15. He added the situation, as they knew it, outweighed all concerns of deploying a rifle under the circumstances, and felt the situation called for the use of a rifle to face a rifle.

During Deputy Formica's IAB interview, a crime scene diagram was used for clarification. To ease the reader's understanding, the diagram is attached at the end of Deputy Formica's IAB interview transcription.



Deputy **Kevin Fleck** told IAB investigators he had been on patrol [redacted] at the time he received this call for service of a suicidal man armed with a rifle, and possibly holding [redacted] hostage. [redacted]. They drove to the staging area where he was told to don a ballistic helmet and vest. He and Deputy Mahoney had discussed situations involving mentally ill and suicidal persons prior to this incident, and they had experience handling these types of calls. Deputy Mahoney directed him to deploy the stun bag shotgun as a less than lethal option, and advised him to utilize it against Suspect Graham if the need arose. Deputy Fleck said the team planned to use the sergeant's Tahoe as cover while they approached the location, and did so with haste after hearing a woman screaming as if she was being attacked.

Deputy Fleck said the team stopped in the street and multiple PA announcements were given for Suspect Graham to come out of the garage. He could see most of the interior of the garage through the already open two car garage door, however, he could not see behind the closed single car garage door. He saw [redacted] exit the garage while screaming hysterically, and she was escorted down the street by a deputy. He saw [redacted] exit the garage screaming and was detained by deputies. Deputy Fleck said he took a position near the front driver's tire of the Tahoe and was in line with the other deputies when he first noticed Suspect Graham emerge from behind the closed single car garage door. He watched as Suspect Graham held a rifle and walk within the garage.

Deputy Fleck saw Suspect Graham lower his rifle then walk toward the deputies in the street. Once Graham got to the threshold of the garage, he raised his rifle to his shoulder with both hands and took a sight picture of them. Deputy Fleck said he was pointing the stun bag shotgun at Suspect Graham and feared Graham was about to shoot him and/or the other deputies. He said because he had the stun bag gun in his hands, he fired it at Suspect Graham and operated the slide to load another round. He said the expended shell jammed in the ejection port, which cause him to look down at it and manually clear the jam. When he looked back up, he noticed Suspect Graham was laying on the driveway and the approach team was moving forward toward him. He joined the team and then helped fellow deputies clear the home. When he returned outside, paramedics were treating Suspect Graham.

Deputy Fleck said he realized Suspect Graham escalated the situation to a deadly force incident when he pointed his rifle at the deputies. He added even though it was a deadly force situation, he fired his less lethal stun bag shotgun because it was the weapon he had in his hands at the time. He still intended to stop the threat Suspect Graham posed.

During Deputy Fleck's IAB interview, a crime scene diagram was used for clarification. To ease the reader's understanding, the diagram is attached at the end of Deputy Fleck's IAB interview transcription.

Sworn Witness Interviews

Deputy **Roxanne Hitami** said she responded to a call of a suicidal person at the location. While responding, the call was updated with information the suicidal person was armed with a gun and possibly holding [redacted] hostage inside the garage. Deputy Hitami met with fellow deputies at a designated staging area, where deputies donned equipment and discussed a plan for handling the call. They planned to use an arrest team, and to use P.A. announcements. While at the staging area, deputies heard a woman screaming from up the street. She heard someone say to get the equipment and make the approach. They planned to use the sergeant's Tahoe as cover while she, along with other deputies, walked along side of it. She heard a woman screaming in the garage but could not see anyone once at the location. Deputy Mahoney gave announcements on the P.A. She saw [redacted] come out of the garage screaming and a deputy grabbed her. Deputy Sword took Mrs. [redacted] down the street. [redacted] came out of the garage screaming Suspect Graham was cutting himself. She sat [redacted] on the ground near a parked Ford Explorer.

Deputy Hitami heard a deputy yell; "Put the gun down!" Deputy Hitami said she "freaked out" and thought to herself; "Don't get shot" and also about her son. She was positioned near the left rear tire of the Tahoe when she heard three or more gunshots. She believed Suspect Graham was shooting at them, so she ducked down for cover. She heard Sergeant [redacted] say; "He's down. Let's go up there." Deputy Hitami went up the driveway and saw Sergeant [redacted] removed Suspect Graham's gun. Deputy Hitami then assisted fellow deputies enter the house, and she brought [redacted] infant son outside to her.

Deputy **Kyle Sword** said he responded to a call of a suicidal person, armed with a gun. He arrived at the staging area and saw deputies donning helmets. He deployed a shotgun with slugs, and joined the others as they utilized Sergeant [redacted] Tahoe for cover. He saw [redacted] acting hysterically and lay on the grass in front of the location. He heard Sergeant [redacted] tell someone to take control of [redacted] so he took her approximately twenty to thirty yards down the street and had her sit on the curb. Mrs. [redacted] told him Suspect Graham had cut his own throat and wrists. She added Suspect Graham was armed with a rifle. Deputy Sword advised the deputies on scene of this information by switching his radio to "Direct."

Deputy Sword said [redacted] came out of the garage and was hysterical. He heard [redacted] yell something about a baby, and Deputy Hitami took [redacted] behind a parked car. He heard deputies yell; "Drop the gun" and "Put the gun down." He then saw deputies shooting and heard eight to ten gunshots from the deputies, who were behind cover. He saw the arrest team advance toward the garage, and heard someone broadcast on the radio, emergency traffic regarding the shooting and a request for paramedics.

Deputy **Yuri Polissky** said he responded to a call of a suicidal person armed with a rifle and a knife. He met with fellow deputies at a staging area and donned a helmet. He heard a woman screaming in a garage so they used the sergeant's Tahoe as cover to approach the location. He saw a female come out who was hysterical and appeared disoriented, so Deputy Sword took charge of her. Deputy Polissky positioned himself by the left rear door of the sergeant's Tahoe and heard a woman scream; "He's cutting himself" as she ran out of the garage. He heard both females say Suspect Graham had a loaded gun. He heard deputies yell; "Drop the gun, drop the gun." He then heard deputies shooting, and glass shatter, so he ducked down behind the Tahoe. He could not see Suspect Graham from his position by the Tahoe. He joined others in approaching Suspect Graham and saw a rifle near the suspect. He assisted fellow deputies clear the house, and Deputy Hitami took a baby out of the house to [redacted]

Deputy **Joshua Clark** said he responded to the location with [redacted] Deputy Justin Tidball because of a call regarding a suicidal person with a knife and a gun. They met Sergeant [redacted] and other deputies at a staging area to form a plan and don ballistic vests and helmets. He heard a radio update that the [redacted] was a hostage in the garage. He said this caused the team to respond to the location faster. They used the Tahoe as cover. When they arrived, he saw the double car garage door was open. He deployed his AR-15 rifle and positioned himself by the hood of the Tahoe. He saw [redacted] in the garage talking to someone who was out of view behind the closed single garage door. She said; "Stop this" and to come outside and talk. He saw [redacted] come out and noticed she was hysterical. Deputy Clark thought Suspect Graham was possibly in the house or the garage. He heard Sergeant [redacted] say she could not see Suspect Graham so he went with her to a position behind a parked vehicle which was nearby. This position allowed a better view into the garage. He heard deputies yell for Suspect Graham to come out. He said Sergeant [redacted] told him if he saw Suspect Graham come out of the garage with a rifle, he (Clark) had the shot. Sergeant [redacted] then ran back to the Tahoe and spread the deputies out. [redacted] ran out of the garage to the deputies, where Deputy Hitami took her to a nearby parked car. He heard [redacted] yell that her baby was inside.

Deputy Clark said he used the parked car for cover, but he could not see Suspect Graham. Therefore, he told Sergeant [redacted] that he did not have the shot. He heard deputies yell; "Drop the gun" several times and then they shot. Deputy Clark did not fire because he did not have a line of sight on the suspect.

Deputy Clark heard Sergeant [redacted] say the suspect was down and to move up. He saw Suspect Graham on the ground and a rifle by his right side. Deputy Clark told Deputy Tidball to search and handcuff Suspect Graham. Deputy Tidball handcuffed Suspect Graham's left wrist, but not his right wrist due to gunshot wounds. Paramedics arrived and treated Suspect Graham. He added a team of deputies went into the house to clear it and saw they brought out a child.

Deputy **Justin Tidball** said he went to the location because of a call for service regarding a suicidal person with a gun. There was updated information that the [redacted] was being held hostage, and a knife was involved. Units were directed to a staging area two blocks away, where they formed a tactical plan, which included the AR-15 deployment and they donned helmets and ballistic vests. While at the staging area, he heard Sergeant [redacted] say to respond quickly, because they were given an update of [redacted] being held hostage, and Sergeant [redacted] worried about the victims. Deputy Tidball said they used the Tahoe for cover during the approach. He noticed the double car garage door at the location was open and he heard a woman in the garage scream for help and say; "He's got a gun" and "He's cutting himself." He heard Sergeant [redacted] tell someone to give commands on the P.A. system.

Deputy Tidball saw [redacted] come out onto the lawn frantically, and was unable to follow directions from deputies. She was hysterical so a deputy took her down the street.

[redacted] came out of the garage yelling hysterically so Deputy Hitami took control of her. More commands were given for Suspect Graham to give himself up. Deputy Tidball was positioned near the rear bumper of the Tahoe and could only see a portion of the garage. He heard deputies yell; "Drop the gun, drop the gun" and then gunshots, and glass shattering. He thought they were taking rounds so he ducked down for cover. He did not shoot because he did not see Suspect Graham. He heard Sergeant [redacted] say the suspect was down, and they need to approach him. He, along with fellow deputies and the sergeant, approached Suspect Graham as he lay on the ground, and his rifle nearby. He was told to handcuff Graham, so he searched him and cuffed one hand. He noticed Suspect Graham's breathing was labored, so he did not cuff his other hand. He was confident Suspect Graham did not have any other weapons on him. He stayed with Suspect Graham and told him that paramedics were on the way and to stay calm. At first there was no response, then Suspect Graham said "Oxygen" a couple of times. Deputy Tidball reiterated paramedics were on the way and Suspect Graham said, "Fuck you." Paramedics arrived and Suspect Graham told them "Fuck you." Paramedics transported Suspect Graham to the hospital.

Deputy **Jonathan Wilson** said he responded to the location regarding a call of a suicidal person, armed with a gun. Units responded to a staging area and suited up in ballistic vests and helmets. Sergeant [redacted] told him to go to a position on high ground for a better view, in case it became a hostage situation. He drove to the top of an opposing street, but found it did not provide a view of the location. He tried telling Sergeant [redacted] on the radio, but there was no reply. He then drove around the block to Heather Lane, however, the team was no longer there. He drove to the bottom of Cloverleaf, and saw deputies were by the Sergeant's Tahoe up the street. He walked up the street toward them and heard deputies yell, "Put the gun down" then he heard eight to nine gunshots. He was several houses away at the time of the shooting, so he dropped to one knee and broadcast emergency traffic regarding the shooting. He knew deputies were involved in a shooting, however, he could not see the location or Suspect Graham.

Civilian Witness Interviews

Mr. [redacted] who lives in the house directly across the street from the location, received a text message from a neighbor regarding a commotion on the street. He walked outside and saw numerous Sheriff's Department personnel standing by a Sheriff's Tahoe, pointing guns at Suspect Graham's home. He began filming the incident on his cell phone from a position next to his garage. He heard [redacted] say, "He has a gun and it's loaded." He heard deputies yell, "Drop the gun" and he had a view of Suspect Graham's head over the top of a parked car in the driveway.

Mr. [redacted] saw Suspect Graham turn toward deputies and then heard gunshots. He could not see if Suspect Graham was armed. He added, while taking video, his phone received a call which stopped the video recording. He immediately began recording again, therefore, there are two parts of this incident caught on video.

Homicide detectives retrieved Mr. [redacted] videos **[Exhibit C]** for this incident.

Homicide detectives contacted numerous neighbors in the houses surrounding the location. Most heard parts of the incident and/or saw deputies in the street in front of the location, however, none saw Suspect Graham at the time of the shooting. For more information, see the witness interview summaries starting on page 44 of the Homicide Investigation Book, Exhibit A.

IAB investigators obtained the audio recorded radio communication for Dispatch [redacted], [redacted] and [redacted] regarding this incident. For more information, see the attached radio transcriptions in **Exhibit D**.

IAB investigators obtained the autopsy photos which are included on CD in **Exhibit E**.

Suspect Statements
Suspect Graham died without making a statement about the incident.

Miscellaneous
Interview admonition forms



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY o District Attorney
SHARON J. MATSUMOTO o Chief Deputy District Attorney
JOSEPH P. ESPOSITO o Assistant District Attorney

SCOTT K. GOODWIN o Director

October 8, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0685
L.A.S.D. File #013-13732-0675-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 6, 2013, fatal shooting of Bruce Graham by Los Angeles County Sheriff's Department Sergeant Delicia Hernandez, Deputy William Formica, and Deputy Robert Mahoney, III. We find that Sergeant [redacted] Deputy Formica and Deputy Mahoney acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on October 6, 2013, at approximately 7:10 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Renee Chang and District Attorney Senior Investigator Joseph Miraflor, responded and was given a briefing of the circumstances and a walk-through of the scene.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detectives Jeff Leslie and Adan Torres, LASD Homicide Bureau. The voluntary statements of Sergeant [redacted] Deputy Formica and Deputy Mahoney were considered as part of this analysis.

FACTUAL ANALYSIS

On October 6, 2013, at approximately 5:30 p.m., Bruce Graham was at his home on Cloverleaf Place in the City of Castaic. His [redacted], [redacted] and [redacted] were also at the residence. Graham had been drinking alcohol earlier in

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the day and was distraught.[1] He went into the garage and began nailing the door to the residence closed.[2] [redacted] was concerned for his safety so she forced the door open from the residence and entered the garage.

Inside the garage, [redacted] observed her [redacted] holding a rifle in his hand. [redacted] was able to take the rifle away from Graham. Graham grabbed a knife from his work bench in the garage and stated that it was going to be "a lot messier." As Graham held onto [redacted] with one hand, he used his other hand to poke himself in the neck and arms with the knife. [redacted] put the rifle down on the ground and attempted to grab the knife from Graham.

[redacted] heard [redacted] and Graham struggling in the garage. She heard [redacted] shout "Give me the gun, [redacted]!" [redacted] looked in the garage and saw Graham and [redacted] struggling for the rifle. [redacted] immediately called 9-1-1 and reported her [redacted] and [redacted] were fighting over a loaded gun.[3] [redacted] stated that [redacted] was holding the rifle, but that Graham was holding a knife or sharp tool in his hand. She further reported that Graham was holding onto [redacted] as he held the knife. Shortly thereafter, [redacted] opened the double car garage door. [redacted] saw LASD deputies outside of the house. She ran outside where she fell onto the front lawn. An LASD deputy pulled her to safety.

[redacted] Formica, Mahoney and other LASD deputies responded to the radio call of a domestic dispute. When they arrived, they were informed by dispatch that there was a possible hostage situation. The deputies parked at the end of the block to form a tactical plan. Eventually, [redacted] parked her marked LASD police sports utility vehicle (SUV) in the middle of the street in front of the residence. Formica and Mahoney took cover behind the SUV. [redacted] and other LASD deputies took cover behind other vehicles that were parked nearby. Because the single car garage door was still closed, the deputies could not see Graham in the garage. Using the LASD SUV loudspeaker, Mahoney informed Graham that they were not there to hurt him and requested Graham to exit the garage. A few moments later, [redacted] exited the garage. She was crying and hysterical. She informed the officers that her 18-month old son was still in the house.

Still in the garage, Graham walked into view holding the rifle down by his side. Multiple deputies began to shout at Graham, "Put the gun down!" Graham did not comply. Instead, he turned back into the garage. Moments later, he reappeared still holding the rifle. He lifted the rifle and pointed it in the direction of the deputies. In fear for their lives and the lives of their fellow officers, [redacted] Formica, and Mahoney fired multiple rounds at Graham, striking him

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[1] According to his [redacted] and [redacted] Graham stated that he was going to kill himself on prior occasions. He had been distraught due to issues related to his employment and his financial situation.
[2] The residence is a single family home with an attached 3-car garage. There are two garage doors, a double car door and a single car door.
[3] [redacted] called 9-1-1 at approximately 5:44 p.m.

in the right arm, right abdomen, and left ankle.[4] Graham fell to the ground, dropping the rifle.[5] Graham was transported to the Henry Mayo Hospital where he was pronounced dead by Doctor Sahaugan at 11:27 p.m.[6]

Deputy Medical Examiner Ogbonna Chinwah, M.D. performed the autopsy on Graham on November 25, 2013. Graham suffered a gunshot wound to his right arm, right abdomen, and left ankle. He also had superficial cuts to the left side of his neck and his right inner forearm. Blood samples taken from Graham during the autopsy were analyzed and determined to contain alcohol, ephedrine and hydrocodone. Dr. Chinwah determined the cause of death to be a gunshot wound to the abdomen.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the

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[4] [redacted] fired three rounds from her department issued Berretta model 92F, 9mm Luger caliber semiautomatic pistol. Formica fired approximately two rounds from a department issued Colt model AR-15, 5.56 x 45mm caliber semiautomatic rifle. Mahoney fired seven rounds from his department issued Berretta model 92FS, 9mm Luger caliber semiautomatic pistol. LASD Deputy Kevin Fleck fired one stunbag round from a department issued "less than lethal" shotgun.

[5] Graham was armed with a Universal M1, 30 Carbine caliber semiautomatic rifle. The weapon was unloaded.

[6] [redacted] who lives across the street from the Grahams, made a video recording of the incident with his cell phone. The video shows the deputies in the street taking cover behind the police SUV. The double car garage door is open. Suddenly, numerous deputies began to shout repeatedly, "Put your gun down!" Approximately 20 seconds later, the officer involved shooting occurs. Graham cannot be seen at any point during the video due to the closed single car garage door, the angle of the video and the vehicle parked in Graham's driveway.

amount of force that is necessary in a particular situation." Graham v. Conner, (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined shows that Graham was distraught. He was in his garage armed with a rifle and a knife. At one point, he was holding [redacted] and would not let go of her arm. After [redacted] emerged from the garage, Graham appeared holding the rifle. The deputies ordered him to drop the weapon. Graham did not comply. Instead, he took a step forward and raised the rifle in the direction of the deputies in the street. In fear for their lives and the lives of their fellow officers, [redacted] Formica, and Mahoney responded with deadly force.

We find that Sergeant [redacted] Deputy Formica and Deputy Mahoney acted in lawful self-defense and defense of others when they used deadly force against Bruce Graham. We are closing our file and will take no further action in this matter.

Very truly yours,

CONTENTS NOTED R.A. KUSCH 10-29-14, CAPT

JACKIE LACEY
District Attorney

By [signature]

RENEE CHANG
Deputy District Attorney
(213) [redacted]

c: Sergeant Delicia Hernandez, #401112
Deputy William Formica, #438140
Deputy Robert Mahoney, III, #467700

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 18, 2015

FROM: STEPHEN B. JOHNSON, CHIEF
EAST PATROL DIVISION

TO: ROOSEVELT JOHNSON, CAPTAIN
SANTA CLARITA VALLEY STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2342620
Incident:	Hit Shooting
Incident Date:	October 6, 2013
Unit:	Santa Clarita Valley Station
Suspect:	Graham, Bruce MW/10-11-59
Involved Employees:	Sergeant [redacted] #[redacted] Deputy Robert Mahoney #[redacted] Deputy William Formica #[redacted] Deputy Joshua Clark #[redacted]
EFRC Date:	September 17, 2015

The Executive Force Review Committee (EFRC) consisting of Chief Stephen B. Johnson and Commanders Reginald Gautt and Eddie Rivero met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC recommended the Unit Commander conduct a tactical debriefing regarding the incident.

SBJ:JRB:jrb